



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

January 19, 2005

Commission Chair Liane M. Randolph
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814

Dear Chairperson Randolph:

I am writing regarding the adoption of Opinion No. O-04-226 which entails interpretation of the San Francisco Campaign and Governmental Conduct Code as well as the Political Reform Act. I would like to express my appreciation for the Commission's attention to this letter as scheduling and other considerations prevent me from attending tomorrow's hearing.

As you know, in the November 2, 2004 election cycle San Francisco used – for the first time – a balloting system called “Ranked Choice Voting” in all Supervisorial races. Ranked Choice Voting (RCV) is a method that allows candidates to be elected by majority margins while avoiding the need for subsequent run-off elections. This is accomplished allowing the voter to select a first, second and third choice candidate for the office. When no one candidate receives a majority of the first-choice votes, the lowest vote-getter is eliminated and votes cast for the eliminated candidate are redistributed to the voter's second and possibly third choices until one candidate gains a majority of votes.

During the aforementioned election cycle, among the issues raised to the San Francisco Ethics Commission were questions regarding the propriety of a candidate using printed campaign material to urge voters to vote for the candidate and in addition to vote for certain other candidates as the voter's second and third choices. Further, candidates also requested information on the permissibility of sending out joint mailings and sharing the cost. As the FPPC staff has pointed out, these issues involve state law as well as local law. (Please see FPPC Memo of January 5, 2005 *In re St. Croix Opinion Request; O-04-226*)

The staff of the San Francisco Ethics Commission prepared an advisory that one: it is permissible for a candidate to urge voters to vote for other candidates for the second and third tier spots on the ballot if the candidate producing the campaign literature does so with the primary purpose of getting himself or herself elected; and two: that it is permissible for candidates to send out a joint mailing provided that the cost is pro-rated fairly.

Post-It® Fax Note	7671	Date	1/19/05	# of pages	2
To	Gary West	From	John St. Croix		
Co./Dept	FPPC	Co.	SF Ethics		
Phone #		Phone #			
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JOHN ST. CROIX
EXECUTIVE DIRECTOR

The San Francisco Ethics Commission considered this advisory at a meeting where three of the five commissioners were in attendance and did not reach a consensus on these issues. Concurrently, the San Francisco Ethics Commission staff sought an opinion on these issues from the FPPC. Because these issues are very likely to rise again in the next Supervisorial election cycle in 2006, I would like to request that the FPPC act to make a finding on these two questions. Given that the FPPC staff recommendations coincide with the SFEC staff recommendations, I would also request that you give the staff opinions due consideration in these matters.

Thank you for this opportunity to communicate and please do not hesitate to let me know if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'John St. Croix', with a large, stylized flourish extending to the right.

John St. Croix
Executive Director